

REMARKS

Claims 1-4 and 7-46 are pending in the application. Claims 36-46 have been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INTERVIEW SUMMARY

Applicants wish to thank the Examiner for the interview conducted on June 13, 2008. During the interview, the Examiner and Applicants' attorney discussed the outstanding rejections of the independent claims under U.S.C. § 103. The specific matters discussed during the interview are addressed in the Remarks below.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-15 and 17-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Patent Publication No. 2003/0058471 to Okubo in view of U.S. Patent No. 7,231,369 to Hirabayashi. Applicants respectfully traverse these rejections for at least the reasons set forth below.

1. **The cited references fail to teach causing a processor, “in response to receiving the user selection information, [to] transmit first information indicative of the user selection to a server”.**

Independent Claim 1 recites a system having a processor and a memory that includes firmware executable by the processor to cause the processor to:

receive user selection information indicative of **functionality of the print mechanism** selected by a user; in response to receiving the user selection information, transmit first information **indicative of the user selection to a server**.

Emphasis added; see also Claim 9 (“means for receiving user selection information indicative of functionality of the print mechanism selected by a user; in response to receiving the user selection information, means for transmitting first information indicative of the user selection

information to a server”); Claim 17 (“receiving user selection information indicative of functionality of a print engine selected by a user; in response to receiving the user selection information, transmitting first information indicative of the user selection to a server”). The proposed combination of references does not teach these elements.

In the rejection, the Examiner first relies on Okubo. Applicants respectfully contend that Okubo fails to teach or suggest the operation of a processor as recited. Okubo discloses operating a multifunction-peripheral apparatus in various modes (e.g., a copying mode or a printer mode). However, Okubo wholly fails to teach or suggest transmitting any user selection information to a server. And, Okubo fails to teach transmitting the specific type of user selection as claimed, namely, where the user selection information is indicative of functionality of the print mechanism selected by the user.

Moreover, Applicants respectfully submit that Hirabayashi fails to remedy the shortcomings of Okubo. Hirabayashi provides “a digital contents provision system for enabling the user to view a copyrighted article sample before a credit granting procedure and making it possible to transmit digital contents only to the user completing the credit granting procedure...” (Column 2, Lines 31-35). In other words, Hirabayashi merely discloses transmitting digital contents from a server to a user prior to completion of a credit granting transaction. Hirabayashi lacks any mention of receiving “user selection information **indicative of functionality of the print mechanism** selected by a user” and “in response to receiving the user selection information,” transmitting “first information **indicative of the user selection to a server**” as recited in independent Claim 1. Emphasis added. Therefore, Applicants contend that independent Claims 1, 9, and 17 are patentable over the cited art.

- 2. The cited references fail to teach causing a processor to operate a print mechanism in a second state, where the user selected functionality in the second state is not operable prior to receiving information from the server.**

Independent Claim 1 recites, inter alia, a system having a processor and a memory that includes firmware executable by the processor to cause the processor to:

operate the print mechanism in accordance with the second state, wherein the print mechanism is not operable with the functionality selected by the user prior to receiving the second information from the server.

Emphasis added; see also Claim 9 (“wherein the print mechanism is not operable with the functionality selected by the user prior to receiving the second information from the server”); Claim 17 (“wherein the print engine is not operable to perform the functionality selected by the user prior to receiving the second information from the server”). The proposed combination of references does not teach these elements.

The Examiner primarily relies on the Okubo reference citing paragraph 0104 and Figure 8 of Okubo as disclosing the operation of the processor recited above. Applicants respectfully submit that Okubo fails to teach or suggest the operation of a print mechanism in accordance with a second state where “the print mechanism is not operable with the functionality selected by the user prior to receiving the second information from the server.”

Figure 8 of Okubo teaches a function selecting unit 20 utilized “to select one of the printer data processor 40 and the copier data processor 40a in accordance with an image processing mode designated as the printer mode or the copier mode.” (Paragraph 0104). “[T]he function selecting unit 20 ...determines in Step S21 whether the function designated by the user is the copying mode or the printer mode. When the function designated by the user is determined as the printer mode...the image processing unit 14 processes the image data in accordance with the printer image processing application program....When the function designated by the user is determined as the copier mode...the image processing unit 14 processes the image data in accordance with the copier image processing application

program.” (Paragraph 0105). In other words, in Okubo, the image processing unit 14 (i.e., the multifunction-peripheral apparatus 1) is fully capable of processing the image data in both a copying mode and a printer mode (i.e., the asserted first and second states associated with a capability of the print mechanism) from the outset. The user of the multifunctional-peripheral apparatus 1 merely selects the mode of the multifunction-peripheral apparatus 1 (from pre-existing functionality) which the user desires.

In contrast, independent Claim 1 recites receiving information from a server, with that information used to change the functionality of a print mechanism from a first state to a second state in accordance with a user selection. Using this information from the server, the print mechanism can thus operate in accordance with the second state where “the print mechanism is not operable with the functionality selected by the user prior to receiving the second information from the server.”

Hirabayashi fails to remedy the shortcomings of Okubo. As noted above, the Examiner merely relies on Hirabayashi to disclose transmitting information to a server and receiving information from a server. (Office Action, Paragraph 1). Hirabayashi lacks any mention of the features recited above. While Applicants contend that other assertions in the Office Action regarding the combination of Okubo and Hirabayashi are incorrect, these are moot given the preceding discussion. For at least the reasons cited, Applicants respectfully assert that independent Claims 1, 9, and 17 are patentably distinct from the cited combination of references.

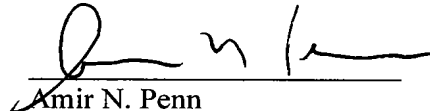
CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact the undersigned attorney at (312) 321-4200.

Respectfully submitted,

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Date



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